

## JOURNAL OF THE SENATE

## Sixty-seventh Legislative Assembly

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Bismarck, April 8, 2021

The Senate convened at 12:30 p.m., with President Sanford presiding.

The prayer was offered by Pastor Paul Herr, Century Baptist Church, Bismarck.

The roll was called and all members were present except Senator Bekkedahl.

A quorum was declared by the President.

## REPORT OF STANDING COMMITTEE

**HB 1032, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1032 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "19" with "26.1"

Page 1, line 2, after the semicolon insert "to amend and reenact section 43-15.3-12 of the North Dakota Century Code, relating to wholesale drug license fees; to provide a continuing appropriation;"

Page 1, replace lines 4 and 5 with:

**"SECTION 1.** A new chapter to title 26.1 of the North Dakota Century Code is created and enacted as follows:"

Page 1, line 12, after "5." insert "Drug manufacturer" means the entity that holds the national drug code for a drug which is engaged in the production, preparation, propagation, compounding, conversion, or processing of the drug or which is engaged in the packaging, repackaging, labeling, relabeling, or distribution of the drug. The term does not include a wholesale drug distributor or retail pharmacy licensed in this state.

6."

Page 1, line 14, replace "6." with "7."

Page 1, line 16, after "agency" insert "other than the department of human services or state department of health"

Page 1, remove line 18

Page 1, line 19, after "a" insert "drug"

Page 2, remove line 1

Page 2, line 2, replace "11." with "10."

Page 2, line 3, after "19-03.6-01" insert ". The term does not include the department of human services or state department of health"

Page 2, remove lines 4 through 8

Page 2, line 9, replace "13." with "11."

Page 2, line 9, remove "means a:"

Page 2, remove lines 10 through 18

- Page 2, line 19, replace "restricted to use by a practitioner" with "has the same meaning as under section 43-15-01"
- Page 2, line 20, replace "14." with "12."
- Page 2, line 22, replace "pharmaceutical" with "drug"
- Page 2, line 23, replace "15." with "13."
- Page 2, line 24, replace "16." with "14."
- Page 2, line 27, replace "17." with "15."
- Page 2, line 27, after "the" insert "drug"
- Page 2, line 28, replace "wholesale drug distributors" with "wholesalers"
- Page 3, remove lines 3 and 4
- Page 3, line 6, replace "board" with "commissioner"
- Page 3, line 8, replace "United States food and drug administration-approved" with "prescription"
- Page 3, line 9, after "that" insert "drug"
- Page 3, line 14, replace "board" with "commissioner"
- Page 3, line 21, after "the" insert "previous"
- Page 3, line 23, after the first "the" insert "drug"
- Page 3, line 25, after "the" insert "drug"
- Page 3, line 27, after "A" insert "concise"
- Page 3, line 31, replace "board" with "commissioner"
- Page 4, line 1, after the first "the" insert "drug"
- Page 4, line 1, after the second "the" insert "drug"
- Page 4, line 4, replace "board" with "commissioner"
- Page 4, line 4, after the second "the" insert "drug"
- Page 4, line 7, after "a" insert "concise"
- Page 4, remove lines 14 through 16
- Page 4, line 19, replace "board" with "commissioner"
- Page 5, line 3, after the underscored comma insert "the identity of a drug manufacturer."
- Page 5, remove lines 6 through 10
- Page 5, line 12, remove "a."
- Page 5, line 13, replace "board" with "commissioner"
- Page 5, line 15, replace "(1)" with "a."
- Page 5, line 16, replace "(2)" with "b."
- Page 5, line 18, replace "(3)" with "c."

Page 5, line 20, replace "(4)" with "d."

Page 5, line 22, replace "(5)" with "e."

Page 5, line 24, replace "(6)" with "f."

Page 5, remove lines 25 through 30

Page 6, remove lines 4 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 7

Page 8, line 9, remove "the board reports to"

Page 8, line 10, after the first "commissioner" insert "receives"

Page 8, line 13, replace "thirty" with "sixty"

Page 8, line 13, replace "from the board" with "under this chapter"

Page 8, line 14, after the underscored period insert "The information the commissioner publishes may not disclose or tend to disclose trade secret, proprietary, commercial, financial, or confidential information of any pharmacy, pharmacy benefits manager, drug wholesaler, or hospital."

Page 8, line 16, remove "board and the"

Page 8, line 17, replace "commissioner" with "board"

Page 8, line 17, replace "board" with "commissioner"

Page 8, line 19, replace "board" with "commissioner"

Page 8, line 20, replace the first "board" with "commissioner"

Page 8, line 20, after "44-04-17.1" insert " however, as provided under section 44-04-18.4 any portion of a report which discloses trade secret, proprietary, commercial, or financial information is confidential if it is of a privileged nature and has not been previously publicly disclosed"

Page 8, after line 20, insert:

**"Drug pricing fund - Transfer - Continuing appropriation.**

The board may deposit up to six hundred dollars of every wholesaler license fee and every virtual wholesaler license fee collected by the board under section 43-15.3-12 to the drug pricing fund. All moneys in the fund, not otherwise appropriated, are appropriated to the insurance department to implement this chapter."

Page 8, line 22, replace "care plan" with "insurer"

Page 8, line 22, remove "hospital, pharmacy, wholesale drug distributor."

Page 8, line 23, remove "pharmacy services administrative organization."

Page 8, line 25, after the underscored period insert "The attorney general may waive or reduce a fine under this section upon a finding of good cause, such as excusable neglect or other extenuating circumstances."

Page 8, after line 26, insert:

**"SECTION 2. AMENDMENT.** Section 43-15.3-12 of the North Dakota Century Code is amended and reenacted as follows:

**43-15.3-12. Fees.**

The board shall charge and collect the following fees under this chapter:

Chain drug warehouse	
\$200	
Chain pharmacy warehouse	
\$200	
Durable medical equipment distributor, medical gas distributor, or both	
\$200	
Durable medical equipment retailer, medical gas retailer and distributor, or both	
\$300	
Hospital offsite warehouse	
\$200	
Jobber or broker	<del>\$400</del> <u>Not to exceed</u>
<del>\$1,000</del>	
Manufacturer	<del>\$400</del> <u>Not to exceed</u>
<del>\$1,000</del>	
Medical gas retailer, durable medical equipment retailer, or both	
\$200	
Medical gas durable medical equipment distributor and retailer	
\$300	
Outsourcing facility	
\$200	
Own label distributor	<del>\$400</del> <u>Not to exceed</u>
<del>\$1,000</del>	
Pharmacy distributor	
\$200	
Private label distributor	<del>\$400</del> <u>Not to exceed \$1,000</u>
Repackager	<del>\$400</del> <u>Not to exceed</u>
<del>\$1,000</del>	
Reverse distributor	
\$200	
Third-party logistic provider	<del>\$400</del> <u>Not to exceed</u>
<del>\$1,000</del>	
Veterinary-only distributor	
\$200	
Virtual manufacturer	
\$400	
Virtual wholesaler or distributor	<del>\$400</del> <u>Not to exceed \$1,000</u>
Wholesaler or distributor	<del>\$400</del> <u>Not to exceed</u>
<del>\$1,000</del> "	

Renumber accordingly

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Anderson, Chairman)** has carefully examined the Journal of the Fifty-second, Fifty-seventh, and Sixtieth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 994, line 11, replace "**PATTEN**" with "**BELL**"

Page 1121, line 13, replace "Forty-eighth" with "Thirty-ninth"

Page 1121, line 14, remove "Fifty-fifth"

Page 1121, line 32, replace "rejecting" with "accepting"

Page 1121, after line 34, insert

**"MOTION**

**SEN. KLEIN MOVED** that the report be adopted, which motion failed on a verification vote."

Page 1226, remove lines 35-38

**SEN. ANDERSON MOVED** that the report be adopted, which motion prevailed.

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

**April 6, 2021**

Pursuant to North Dakota Century Code 54-57-01, I am hereby nominating Timothy J. Dawson for re-appointment as the Director of North Dakota Office of Administrative Hearings.

**Re-Appointment as Director of North Dakota Office of Administrative Hearings**

Timothy J. Dawson (July 1, 2021 - June 30, 2027)

Pursuant to Article V, Section 8 of the North Dakota Constitution, I respectfully request the Senate to confirm during the 2021 Legislative Session.

Thank you for your consideration

**MOTION**

**SEN. KLEIN MOVED** that Engrossed HB 1032 be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1032 was rereferred.

**MOTION**

**SEN. KLEIN MOVED** that HB 1142, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**MOTION**

**SEN. SORVAAG MOVED** that the Senate reconsider its action whereby the amendments to Engrossed HB 1431, as amended, were adopted, which motion prevailed on a verification vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1431, as engrossed and amended: SEN. SORVAAG (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion failed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1431:** A BILL for an Act to create and enact a new section to chapter 6-09 and a new section to chapter 6-09.4 of the North Dakota Century Code, relating to a water infrastructure revolving loan fund and bonded debt repayments; to amend and reenact subsection 1 of section 6-09-49, and sections 6-09.4-06 and 6-09.4-10 of the North Dakota Century Code, relating to interest rates for infrastructure revolving loans, borrowing and lending authority of the public finance authority, and reserve funds associated with bonds; to repeal chapter 6-09.5 and section 61-02-78 of the North Dakota Century Code, relating to a community water development fund and an infrastructure revolving loan fund within the resources trust fund; to provide an appropriation; to provide a continuing appropriation; to provide for a transfer; to provide for a contingent transfer; to provide a bond issue limit; and to provide a loan repayment.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin;

Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**ABSENT AND NOT VOTING:** Bekkedahl

Engrossed HB 1431 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1284:** A BILL for an Act to amend and reenact section 5-02-01.1 and subsection 5 of section 5-02-06 of the North Dakota Century Code, relating to alcohol event permits and prohibitions for individuals under twenty-one years of age; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Bell; Burckhard; Conley; Davison; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Anderson; Clemens; Dever; Larsen, O.

**ABSENT AND NOT VOTING:** Bekkedahl

Engrossed HB 1284 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1450:** A BILL for an Act to amend and reenact subsection 1 of section 62.1-04-03 of the North Dakota Century Code, relating to a license to carry a firearm or dangerous weapon concealed; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Hogan; Marcellais; Mathern

**ABSENT AND NOT VOTING:** Bekkedahl

Engrossed HB 1450 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1233:** A BILL for an Act to amend and reenact section 54-52.1-04.16 of the North Dakota Century Code, relating to public employees retirement system prescription drug coverage performance audits.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Clemens; Hogan; Klein; Lee; Marcellais

**NAYS:** Bakke; Bell; Burckhard; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogue; Holmberg; Kannianen; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**ABSENT AND NOT VOTING:** Bekkedahl

Engrossed HB 1233, as amended, failed.

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**SECOND READING OF HOUSE BILL**

**HB 1463:** A BILL for an Act to create and enact a new subsection to section 43-30-16 and a new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to application and renewal fees for armed first responder course instructor certification and possession of a concealed firearm or dangerous weapon; and to amend and reenact subsection 7 of section 62.1-02-14 of the North Dakota Century Code, relating to licensing of instructors of armed first responders in schools.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Myrdal; Oban; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Fors; Marcellais; Mathern; Piepkorn

**ABSENT AND NOT VOTING:** Bekkedahl

Engrossed HB 1463 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1080:** A BILL for an Act to amend and reenact sections 15-05-10 and 47-16-39.1 of the North Dakota Century Code, relating to the obligation to pay oil and gas royalties on leases owned and managed by the board of university and school lands.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Bakke; Heckaman; Hogan; Marcellais; Mathern; Oban; Piepkorn

**ABSENT AND NOT VOTING:** Bekkedahl

Engrossed HB 1080, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1293, as engrossed: SEN. LUICK (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1293:** A BILL for an Act to amend and reenact sections 62.1-02-10, 62.1-03-01, and 62.1-04-02 of the North Dakota Century Code, relating to handguns and carrying firearms or dangerous weapons concealed.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Heckaman; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Myrdal; Oban; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Bakke; Fors; Hogan; Marcellais; Mathern; Piepkorn

**ABSENT AND NOT VOTING:** Bekkedahl

Engrossed HB 1293, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1498, as engrossed: SEN. MYRDAL (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1498:** A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to brandishing a dangerous weapon; and to amend and reenact sections 12.1-05-06, 12.1-05-07, and 12.1-05-07.2 of the North Dakota Century Code, relating to use of force in defense of property, limits on the use of force and deadly force, and immunity from civil liability.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 35 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bell; Burckhard; Clemens; Conley; Dever; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Bakke; Dwyer; Heckaman; Hogan; Krebsbach; Lee; Marcellais; Mathern; Oban; Piepkorn

**ABSENT AND NOT VOTING:** Bekkedahl; Davison

Engrossed HB 1498, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1248, as engrossed: SEN. DWYER (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1248:** A BILL for an Act to amend and reenact section 62.1-01-03 of the North Dakota Century Code, relating to the authority of a political subdivision regarding firearms; and to declare an emergency.

**MOTION**

**SEN. K. ROERS MOVED** that Engrossed HB 1248, as amended, be amended as follows, which motion failed on a voice vote.

In lieu of the amendments adopted by the Senate as printed on pages 1254 and 1255 of the Senate Journal, Engrossed House Bill No. 1248 is amended as follows:

Page 1, line 1, replace "sections 37-17.1-29 and" with "section"

Page 1, line 2, replace "possession of a dangerous weapon" with "authority of a political subdivision regarding firearms"

Page 1, remove lines 5 through 24

Page 2, remove lines 1 through 16

Page 2, line 19, remove "**and**"

Page 2, line 20, remove "**dangerous weapons**"

Page 2, line 21, remove "1."

Page 2, line 23, remove ". dangerous"

Page 2, line 24, remove "weapons."

Page 2, remove lines 26 through 29

Renumber accordingly

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bell; Clemens; Conley; Elkin; Erbele; Fors; Heitkamp; Kannianen; Klein; Larsen, D.; Larsen, O.; Lemm; Luick; Meyer; Myrdal; Patten; Poolman; Roers, K.; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Bakke; Burckhard; Davison; Dever; Dwyer; Heckaman; Hogan; Hogue; Holmberg; Krebsbach; Kreun; Larson, D.; Lee; Marcellais; Mathern; Oban; Oehlke; Piepkorn; Roers, J.; Rust

**ABSENT AND NOT VOTING:** Bekkedahl

HB 1248 passed but the emergency clause failed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1213: SEN. K. ROERS (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1213:** A BILL for an Act to create and enact section 19-24.1-04.1 of the North Dakota Century Code, relating to medical marijuana designated caregivers; to amend and reenact section 19-03.1-01, subsection 5 of section 19-03.1-05, subsection 1 of section 19-03.1-22.2, section 19-03.1-22.3, subsections 1, 7, and 9 of section 19-03.1-23, subsection 12 of section 19-03.4-01, sections 19-03.4-03, 19-03.4-04, and 19-24.1-01, subdivision a of subsection 2 of section 19-24.1-03, subsection 3 of section 19-24.1-04, sections 19-24.1-10 and 19-24.1-13, paragraph 2 of subdivision d of subsection 1 of section 19-24.1-14, subdivision a of subsection 1 of section 19-24.1-15, subdivision a of subsection 2 of section 19-24.1-16, section 19-24.1-17, subsection 4 of section 19-24.1-18, subsection 2 of section 19-24.1-20, subsection 3 of section 19-24.1-26, subsection 2 of section 19-24.1-37, section 19-24.1-39, subsection 1 of section 39-20-01, and section 39-20-14 of the North Dakota Century Code, relating to the medical marijuana program; to provide for a legislative management report; to provide a penalty; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Fors; Larsen, O.; Myrdal

**ABSENT AND NOT VOTING:** Bekkedahl

HB 1213, as amended, passed and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**HB 1465, as engrossed: SEN. LEE (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1465:** A BILL for an Act to provide for a legislative management study of health insurance networks.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 29 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Dever; Dwyer; Elkin; Heckaman; Hogan; Hogue; Holmberg; Klein; Krebsbach; Kreun; Larson, D.; Lee; Marcellais; Mathern; Oban; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Wardner; Weber

**NAYS:** Clemens; Conley; Davison; Erbele; Fors; Heitkamp; Kannianen; Larsen, D.; Larsen, O.; Lemm; Luick; Meyer; Myrdal; Piepkorn; Vedaa; Wanzek; Wobbema

**ABSENT AND NOT VOTING:** Bekkedahl

Engrossed HB 1465, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1297, as engrossed: SEN. MYRDAL (Judiciary Committee) MOVED** that the

amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1297:** A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to the possession of firearms or dangerous weapons at a public gathering.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Meyer; Myrdal; Oban; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Hogan; Lee; Marcellais; Mathern; Piepkorn

**ABSENT AND NOT VOTING:** Bekkedahl

Engrossed HB 1297, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1383, as reengrossed: SEN. DWYER (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1383:** A BILL for an Act to create and enact a new section to chapter 62.1-01 of the North Dakota Century Code, relating to the limitation on enforcing or providing assistance regarding violations of federal firearm laws; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Heckaman; Hogan; Marcellais; Mathern; Oban

**ABSENT AND NOT VOTING:** Bekkedahl

Reengrossed HB 1383, as amended, passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HCR 3021: SEN. BAKKE (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3021:** A concurrent resolution directing the Legislative Management to consider studying the factors contributing to the nation's firearm and ammunition shortage

and the impact the shortage has had on the quality of life for North Dakota citizens.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3021, as amended, was declared adopted on a voice vote.

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#### CONSIDERATION OF AMENDMENTS

**HCR 3011, as engrossed: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3011:** A concurrent resolution directing the Legislative Management to consider studying and researching the impact of substance abuse and neonatal withdrawal syndrome, including a focus on fetal alcohol spectrum disorders (FASDs), including treatment, services available, potential prevention, and whether existing policies for children and adults are appropriate.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3011, as amended, was declared adopted on a voice vote.

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#### CONSIDERATION OF MESSAGES FROM THE HOUSE

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to SB 2144, in the House amendments to Engrossed SB 2304, and in the House amendments to Engrossed SB 2332 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEES

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**SB 2144:** Sens. Schaible, Patten, Erbele.

**Engrossed SB 2304:** Sens. Schaible, Lemm, Oban.

**Engrossed SB 2332:** Sens. Schaible, Elkin, Oban.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1162 and Engrossed HB 1199, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed HB 1162:** Sens. J. Roers, Meyer, Kannianen

**Engrossed HB 1199:** Sens. Weber, Patten, Piepkorn

#### MOTION

**SEN. KLEIN MOVED** that SB 2060 be placed at the top of the 12th order, which motion prevailed on a voice vote.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to Reengrossed SB 2060 as printed on SJ pages 866-867, which motion prevailed on a voice vote.

Reengrossed SB 2060, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2060:** A BILL for an Act to amend and reenact sections 43-06-01, 43-06-02, 43-06-04, 43-06-04.1, 43-06-05, 43-06-08, 43-06-09, 43-06-10.1, 43-06-11, 43-06-13, 43-06-15, 43-06-16.1, and 43-06-18 of the North Dakota Century Code, relating to

the state board of chiropractic examiners and the practice of chiropractic; and to repeal sections 43-06-10 and 43-06-12 of the North Dakota Century Code, relating to the state board of chiropractic examiners and the practice of chiropractic.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Marcellais

**ABSENT AND NOT VOTING:** Bekkedahl

Reengrossed SB 2060 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. LARSON MOVED** that the Senate do concur in the House amendments to Engrossed SB 2276 as printed on SJ page 1083, which motion prevailed on a voice vote.

Engrossed SB 2276, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2276:** A BILL for an Act to amend and reenact section 44-04-18.3 of the North Dakota Century Code, relating to confidentiality of law enforcement personnel records.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**ABSENT AND NOT VOTING:** Bekkedahl

Reengrossed SB 2276 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. LARSON MOVED** that the Senate do concur in the House amendments to Engrossed SB 2166 as printed on SJ page 910, which motion prevailed on a voice vote.

Engrossed SB 2166, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2166:** A BILL for an Act to amend and reenact sections 12.1-23-05 and 12.1-23-10 of the North Dakota Century Code, relating to theft offenses; to provide a penalty; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein;

Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Davison; Oban

**ABSENT AND NOT VOTING:** Bekkedahl

Reengrossed SB 2166 passed and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. LARSON MOVED** that the Senate do concur in the House amendments to SB 2273 as printed on SJ page 1082, which motion prevailed on a voice vote.

SB 2273, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2273:** A BILL for an Act to amend and reenact section 19-03.1-22.1 of the North Dakota Century Code, relating to the inhalation of vapors; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Davison; Larsen, D.; Oban; Piepkorn

**ABSENT AND NOT VOTING:** Bekkedahl

Engrossed SB 2273 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2261 as printed on SJ page 879, which motion prevailed on a voice vote.

Engrossed SB 2261, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2261:** A BILL for an Act to amend and reenact sections 43-10.1-01 and 43-10.1-03.1 of the North Dakota Century Code, relating to irrevocable itemized funeral contracts and Medicaid assets exempt for funeral expenses; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**ABSENT AND NOT VOTING:** Bekkedahl

Reengrossed SB 2261 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LARSON MOVED** that the Senate do concur in the House amendments to Engrossed SB 2059 as printed on SJ page 844, which motion prevailed on a voice vote.

Engrossed SB 2059, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2059:** A BILL for an Act to amend and reenact subsection 18 of section 19-03.1-01 and sections 19-03.1-05, 19-03.1-07, 19-03.1-11 and 19-03.1-13 of the North Dakota Century Code, relating to the definition of marijuana and the scheduling of controlled substances; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**ABSENT AND NOT VOTING:** Bekkedahl

Reengrossed SB 2059 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LARSON MOVED** that the Senate do concur in the House amendments to Engrossed SB 2340 as printed on SJ pages 1103-1104, which motion prevailed on a voice vote.

Engrossed SB 2340, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2340:** A BILL for an Act to amend and reenact subsection 1 of section 14-15-01 of the North Dakota Century Code, relating to termination of parental rights.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**ABSENT AND NOT VOTING:** Bekkedahl

Reengrossed SB 2340 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to SB 2103 as printed on SJ pages 997-998, which motion prevailed on a voice vote.

SB 2103, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2103:** A BILL for an Act to create and enact section 13-04.1-09.3 of the North Dakota Century Code, relating to money broker charges; to amend and reenact sections

13-04.1-02.1, 13-05-02.3, and 13-08-12 of the North Dakota Century Code, relating to money broker exemptions, collection agency exemptions, and deferred presentment service transaction procedures; to repeal section 13-04.1-09.2 of the North Dakota Century Code, relating to money broker charges; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**ABSENT AND NOT VOTING:** Bekkedahl

Engrossed SB 2103 passed.

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#### REPORT OF PROCEDURAL COMMITTEE

**MR. PRESIDENT:** Your procedural **Committee on Committees (Sen. Wardner, Chairman)** respectfully submits the following names for your Select Committee to approve the nominee Timothy J. Dawson as Director of the North Dakota Office of Administrative Hearings: Senators Hogue, Diane Larson, Dwyer, Fors, and Bakke..

**SEN. KLEIN MOVED** that the report be adopted, which motion prevailed on a voice vote.

#### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1284, HB 1431, HB 1450, HB 1463.

#### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1080, HB 1293, HB 1297, HB 1465, HB 1498.

#### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has amended and subsequently passed: HCR 3011, HCR 3021.

#### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1213, HB 1383.

#### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause failed: HB 1248.

#### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1233.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2007, SB 2024, SB 2025, SB 2289.

#### AMENDMENTS TO ENGROSSED SENATE BILL NO. 2007

Page 1, line 1, after the semicolon insert "to amend and reenact sections 54-59-05 and 54-59-22 of the North Dakota Century Code, relating to state agency information technology service requirements;"

Page 1, line 2, after the semicolon insert "to provide a statement of legislative intent;"

Page 1, replace lines 11 through 17 with:

"Salaries and wages	\$18,916,632	\$293,247	\$19,209,879
Operating expenses	5,083,731	480,602	5,564,333
Capital assets	<u>405,733</u>	<u>349,738</u>	<u>755,471</u>
Total all funds	\$24,406,096	\$1,123,587	\$25,529,683
Less estimated income	<u>18,751,772</u>	<u>972,268</u>	<u>19,724,040</u>
Total general fund	\$5,654,324	\$151,319	\$5,805,643
Full-time equivalent positions	120.72	(5.93)	114.79"

Page 2, replace line 2 with:

"Thermostat replacements	0	131,500
Resident absences	0	25,000"

Page 2, replace lines 6 through 8 with:

"Total all funds	\$549,050	\$373,200
Less estimated income	<u>524,050</u>	<u>348,200</u>
Total general fund	\$25,000	\$25,000"

Page 2, after line 16, insert:

**"SECTION 4. RESIDENT LEAVE OF ABSENCE - LEGISLATIVE INTENT - ONE-TIME FUNDING.** The operating expenses line item in section 1 of this Act includes the sum of \$25,000 from the general fund for defraying veterans' home resident costs while residents are absent from the veterans' home. This funding is considered a one-time funding item. It is the intent of the sixty-seventh legislative assembly that the veterans' home governing board increase the number of days a resident is authorized to be absent from the veterans' home without incurring a per diem cost from seven consecutive days to fourteen consecutive days. It is further the intent of the sixty-seventh legislative assembly that any future funding requests from the veterans' home for this purpose be requested from the Melvin Norgard memorial fund.

**SECTION 5. AMENDMENT.** Section 54-59-05 of the North Dakota Century Code is amended and reenacted as follows:

**54-59-05. Powers and duties of department. (Effective through July 31, 2023)**

The department:

1. Shall provide, supervise, and regulate information technology of all executive branch state entities, excluding the institutions under the control of the board of higher education and the veterans' home.
2. Shall provide network services in a way that ensures the network requirements of a single entity do not adversely affect the functionality of the whole network, facilitates open communications with the citizens of the state, minimizes the state's investment in human resources, accommodates an ever-increasing amount of traffic, supports rapid detection and resolution of problems, protects the network infrastructure from damage and security breaches, provides for the aggregation of data, voice, video, and multimedia into a statewide transport mechanism or backbone, and provides for the network support for the entity to carry out its mission.
3. May review and approve additional network services that are not provided by the department.
4. May purchase, finance the purchase, or lease equipment, software, or implementation services or replace, including by trade or resale, equipment or software as may be necessary to carry out this chapter. With the exception of agreements entered related to the statewide

interoperable radio network, an agreement to finance the purchase of software, equipment, or implementation services may not exceed a period of five years. The department shall submit any intended financing proposal for the purchase of software, equipment, or implementation services under this subsection, which is in excess of one million dollars, to the legislative assembly or the budget section if the legislative assembly is not in session before executing a financing agreement. Any request considered by the budget section must comply with section 54-35-02.9. If the legislative assembly or the budget section does not approve the execution of a financing agreement, the department may not proceed with the proposed financing arrangement. With the exception of financing for the statewide interoperable radio network, the department may finance the purchase of software, equipment, or implementation services only to the extent the purchase amount does not exceed seven and one-half percent of the amount appropriated to the department during that biennium.

5. Shall review requests for lease, purchase, or other contractual acquisition of information technology as required by this subsection. Each executive branch agency or institution, excluding the institutions under the control of the board of higher education, shall submit to the department, in accordance with guidelines established by the department, a written request for the lease, purchase, or other contractual acquisition of information technology. The department shall review requests for conformance with the requesting entity's information technology plan and compliance with statewide policies and standards. If the request is not in conformance or compliance, the department may disapprove the request or require justification for the departure from the plan or statewide policy or standard.
6. Shall provide information technology, including assistance and advisory service, to the executive, legislative, and judicial branches. If the department is unable to fulfill a request for service from the legislative or judicial branch, the information technology may be procured by the legislative or judicial branch within the limits of legislative appropriations.
7. Shall request and review information, including project startup information summarizing the project description, project objectives, business need or problem, cost-benefit analysis, and project risks and a project closeout information summarizing the project objectives achieved, project budget and schedule variances, and lessons learned, regarding any major information technology project of an executive branch agency. The department shall present the information to the information technology committee on request of the committee.
8. May request and review information regarding any information technology project of an executive branch agency with a total cost of between one hundred thousand and five hundred thousand dollars as determined necessary by the department. The department shall present the information to the information technology committee on request of the committee.
9. Shall study emerging technology and evaluate its impact on the state's system of information technology.
10. Shall develop guidelines for reports to be provided by each agency of the executive, legislative, and judicial branches, excluding the institutions under the control of the board of higher education, on information technology in those entities.
11. Shall collaborate with the state board of higher education on guidelines for reports to be provided by institutions under control of the state board of higher education on information technology in those entities.
12. Shall perform all other duties necessary to carry out this chapter.

13. May provide wide area network services to a state agency, city, county, school district, or other political subdivision of this state. The information technology department may not provide wide area network service to any private, charitable, or nonprofit entity except the information technology department may continue to provide the wide area network service the department provided to the private, charitable, and nonprofit entities receiving services from the department on January 1, 2003.
14. Shall assure proper measures for security, firewalls, and internet protocol addressing at the state's interface with other facilities.
15. Notwithstanding subsection 13, may provide wide area network services for a period not to exceed four years to an occupant of a technology park associated with an institution of higher education or to a business located in a business incubator associated with an institution of higher education.
16. Shall advise and oversee cybersecurity strategy for all executive branch state agencies, including institutions under the control of the state board of higher education, counties, cities, school districts, or other political subdivisions. For purposes of this subsection, the department shall consult with the attorney general and the veterans' home on cybersecurity strategy.
17. Shall advise and consult with the legislative and judicial branches regarding cybersecurity strategy.

**Powers and duties of department. (Effective after July 31, 2023)**

The department:

1. Shall provide, supervise, and regulate information technology of all executive branch state entities, excluding the institutions under the control of the board of higher education and the veterans' home.
2. Shall provide network services in a way that ensures the network requirements of a single entity do not adversely affect the functionality of the whole network, facilitates open communications with the citizens of the state, minimizes the state's investment in human resources, accommodates an ever-increasing amount of traffic, supports rapid detection and resolution of problems, protects the network infrastructure from damage and security breaches, provides for the aggregation of data, voice, video, and multimedia into a statewide transport mechanism or backbone, and provides for the network support for the entity to carry out its mission.
3. May review and approve additional network services that are not provided by the department.
4. May purchase, finance the purchase, or lease equipment, software, or implementation services or replace, including by trade or resale, equipment or software as may be necessary to carry out this chapter. An agreement to finance the purchase of software, equipment, or implementation services may not exceed a period of five years. The department shall submit any intended financing proposal for the purchase of software, equipment, or implementation services under this subsection, which is in excess of one million dollars, to the legislative assembly or the budget section if the legislative assembly is not in session before executing a financing agreement. Any request considered by the budget section must comply with section 54-35-02.9. If the legislative assembly or the budget section does not approve the execution of a financing agreement, the department may not proceed with the proposed financing arrangement. The department may finance the purchase of software, equipment, or implementation services only to the extent the purchase amount does not exceed seven and one-half

percent of the amount appropriated to the department during that biennium.

5. Shall review requests for lease, purchase, or other contractual acquisition of information technology as required by this subsection. Each executive branch agency or institution, excluding the institutions under the control of the board of higher education, shall submit to the department, in accordance with guidelines established by the department, a written request for the lease, purchase, or other contractual acquisition of information technology. The department shall review requests for conformance with the requesting entity's information technology plan and compliance with statewide policies and standards. If the request is not in conformance or compliance, the department may disapprove the request or require justification for the departure from the plan or statewide policy or standard.
6. Shall provide information technology, including assistance and advisory service, to the executive, legislative, and judicial branches. If the department is unable to fulfill a request for service from the legislative or judicial branch, the information technology may be procured by the legislative or judicial branch within the limits of legislative appropriations.
7. Shall request and review information, including project startup information summarizing the project description, project objectives, business need or problem, cost-benefit analysis, and project risks and a project closeout information summarizing the project objectives achieved, project budget and schedule variances, and lessons learned, regarding any major information technology project of an executive branch agency. The department shall present the information to the information technology committee on request of the committee.
8. May request and review information regarding any information technology project of an executive branch agency with a total cost of between one hundred thousand and five hundred thousand dollars as determined necessary by the department. The department shall present the information to the information technology committee on request of the committee.
9. Shall study emerging technology and evaluate its impact on the state's system of information technology.
10. Shall develop guidelines for reports to be provided by each agency of the executive, legislative, and judicial branches, excluding the institutions under the control of the board of higher education, on information technology in those entities.
11. Shall collaborate with the state board of higher education on guidelines for reports to be provided by institutions under control of the state board of higher education on information technology in those entities.
12. Shall perform all other duties necessary to carry out this chapter.
13. May provide wide area network services to a state agency, city, county, school district, or other political subdivision of this state. The information technology department may not provide wide area network service to any private, charitable, or nonprofit entity except the information technology department may continue to provide the wide area network service the department provided to the private, charitable, and nonprofit entities receiving services from the department on January 1, 2003.
14. Shall assure proper measures for security, firewalls, and internet protocol addressing at the state's interface with other facilities.
15. Notwithstanding subsection 13, may provide wide area network services for a period not to exceed four years to an occupant of a technology park

associated with an institution of higher education or to a business located in a business incubator associated with an institution of higher education.

- 16. Shall advise and oversee cybersecurity strategy for all executive branch state agencies, including institutions under the control of the state board of higher education, counties, cities, school districts, or other political subdivisions. For purposes of this subsection, the department shall consult with the attorney general and the veterans' home on cybersecurity strategy.
- 17. Shall advise and consult with the legislative and judicial branches regarding cybersecurity strategy.

**SECTION 6. AMENDMENT.** Section 54-59-22 of the North Dakota Century Code is amended and reenacted as follows:

**54-59-22. Required use of electronic mail, file and print server administration, database administration, application server, and hosting services.**

Each state agency and institution, excluding the legislative and judicial branches, the institutions under the control of the state board of higher education, the attorney general, the veterans' home, and any entity exempted by the office of management and budget after advisement by the information technology department, shall obtain electronic mail, file and print server administration, database administration, storage, application server, and hosting services through a delivery system established by the information technology department in conjunction with the office of management and budget. The office of management and budget, after receiving advice from the information technology department, shall establish policies and guidelines for the delivery of services, including the transition from existing systems to functional consolidation, with consideration given to the creation of efficiencies, cost-savings, and improved quality of service."

Page 2, after line 21, insert:

**"SECTION 8. EXEMPTION - EQUIPMENT.** The amount of \$20,700 appropriated from the soldiers' home fund in the capital assets line item for a dryer in section 1 of chapter 7 of the 2019 Session Laws is not subject to section 54-44.1-11 and is available for the purchase of a dryer for the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 9. EXEMPTION - ADMINISTRATOR'S RESIDENCE - CAPITAL ASSETS.** Of the \$233,450 appropriated from the soldiers' home fund in the administrator's residence line item for the demolition of the administrator's residence in section 1 of chapter 7 of the 2019 Session Laws, \$54,925 is not subject to section 54-44.1-11 and is available for the purpose of defraying capital assets costs of the veterans' home for the biennium beginning July 1, 2021, and ending June 30, 2023."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2007 - Veterans' Home - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$18,916,632	\$19,191,930	\$17,949	\$19,209,879
Operating expenses	5,083,731	5,539,333	25,000	5,564,333
Capital assets	405,733	755,471		755,471
Total all funds	\$24,406,096	\$25,486,734	\$42,949	\$25,529,683
Less estimated income	18,751,772	19,716,491	7,549	19,724,040
General fund	\$5,654,324	\$5,770,243	\$35,400	\$5,805,643
FTE	120.72	114.79	0.00	114.79

### Department 313 - Veterans' Home - Detail of House Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds One-Time Funding for the Cost of Resident Absences <sup>2</sup>	Adjusts One-Time Funding <sup>3</sup>	Total House Changes
Salaries and wages	\$17,949			\$17,949
Operating expenses		\$25,000		25,000
Capital assets				
Total all funds	\$17,949	\$25,000	\$0	\$42,949
Less estimated income	7,549	0	0	7,549
General fund	\$10,400	\$25,000	\$0	\$35,400
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Salaries and wages funding is adjusted for 2021-23 biennium salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100 and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 on July 1, 2021, and 2 percent on July 1, 2022.

<sup>2</sup> One-time funding of \$25,000 from the general fund is added for the cost of resident absences when a resident is away from the Veterans' Home for an extended period of time. If a resident is absent from the Veterans' Home for 4 consecutive days, the United States Department of Veterans Affairs (VA) will not pay the Veterans' Home per diem for that resident for the days in excess of the first 4 days, resulting in the Veterans' Home charging residents for the cost of per diem not received by the VA. The Veterans' Home Governing Board recently extended the policy to allow residents to be absent for up to 7 consecutive days. This amendment provides funding to allow residents to be absent for 7 additional consecutive days, resulting in a total of 14 consecutive days allowed at no cost to the resident. The Senate did not provide funding for this purpose.

<sup>3</sup> One-time funding of \$131,500 from the soldiers' home fund is provided to allow the Veterans' Home to replace thermostats in the facility. The Senate authorized this funding for a basic care flooring project.

This amendment also:

- Adds a section to identify one-time funding of \$25,000 from the general fund to defray Veterans' Home resident costs while residents are absent from the Veterans' Home. The section provides legislative intent that the Veterans' Home Governing Board increase the number of days a resident is authorized to be absent from the Veterans' Home without incurring a per diem cost for the absence from 7 to 14 days. Further intent is provided that any future funding requests from the Veteran's Home for this purpose be requested from the Melvin Norgard memorial fund.
- Amends North Dakota Century Code Section 54-59-05 to exclude information technology of the Veterans' Home from being required to be provided by, supervised by, and regulated by the Information Technology Department. The Information Technology Department is required to consult with the Veterans' Home regarding cybersecurity strategy.
- Amends Section 54-59-22 to exclude email, file and print administration, database administration, application server, and hosting services of the Veterans' Home from being required to be provided by the Information Technology Department.
- Provides an exemption to allow the Veterans' Home to continue \$20,700 appropriated from the soldiers' home fund for the purchase of a dryer during the 2019-21 biennium into the 2021-23 biennium.
- Provides an exemption to allow the Veterans' Home to continue \$54,925 appropriated from the soldiers' home fund for the 2019-21 biennium for the demolition of the administrator's residence into the 2021-23 biennium for purchasing security cameras, humidifiers, and a building automation system.

### AMENDMENTS TO ENGROSSED SENATE BILL NO. 2024

"Salaries and wages	\$30,587,358	\$1,964,459	\$32,551,817
Operating expenses	9,962,180	809,718	10,771,898
Capital assets	1,263,429	983,743	2,247,172
Grants	<u>15,861,529</u>	<u>(801,411)</u>	<u>15,060,118</u>
Total all funds	\$57,674,496	\$2,956,509	\$60,631,005
Less estimated income	<u>45,193,574</u>	<u>1,776,356</u>	<u>46,969,930</u>
Total general fund	\$12,480,922	\$1,180,153	\$13,661,075"

Page 2, replace lines 2 and 3 with:

"Air pollution program equipment	\$1,040,000	\$0
Laboratory information management system	<u>0</u>	<u>1,000,000</u>
Total all funds	\$1,040,000	\$1,000,000
Less estimated income	<u>1,040,000</u>	<u>0</u>
Total general fund	\$0	\$1,000,000"

Page 2, line 10, replace "\$773,787" with "\$773,983"

Page 2, line 29, after "**TESTING**" insert "**AND LABORATORY INFORMATION MANAGEMENT SYSTEM - EMERGENCY COMMISSION APPROVAL**"

Page 3, line 1, replace "available" with "or any funds"

Page 3, line 1, after "for" insert "defraying the expenses of"

Page 3, line 1, after "testing" insert ". It is further the intent of the sixty-seventh legislative assembly that the department of environmental quality use federal COVID-19 relief funds or other available funds for defraying the expenses of the laboratory information management system"

Page 3, line 2, remove "made available in the deficiency appropriation in House Bill No. 1025"

Page 3, line 2, after the second period insert "The department of environmental quality may seek emergency commission approval to adjust the source of funds if a non-general fund source is identified."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2024 - Department of Environmental Quality - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$30,587,358	\$32,578,531	(\$26,714)	\$32,551,817
Operating expenses	9,962,180	10,879,898	(108,000)	10,771,898
Capital assets	1,263,429	1,247,172	1,000,000	2,247,172
Grants	<u>15,861,529</u>	<u>15,060,118</u>		<u>15,060,118</u>
Total all funds	\$57,674,496	\$59,765,719	\$865,286	\$60,631,005
Less estimated income	<u>45,193,574</u>	<u>47,099,427</u>	<u>(129,497)</u>	<u>46,969,930</u>
General fund	\$12,480,922	\$12,666,292	\$994,783	\$13,661,075
FTE	165.50	166.00	0.00	166.00

**Department 303 - Department of Environmental Quality - Detail of House Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Removes Funding for ITD fees <sup>2</sup>	Adds One-Time Funding for Laboratory Information Management System <sup>3</sup>	Total House Changes
Salaries and wages	(\$26,714)			(\$26,714)
Operating expenses		(\$108,000)		(108,000)
Capital assets			\$1,000,000	1,000,000
Grants				
<b>Total all funds</b>	<b>(\$26,714)</b>	<b>(\$108,000)</b>	<b>\$1,000,000</b>	<b>\$865,286</b>
Less estimated income	(21,497)	(108,000)	0	(129,497)
<b>General fund</b>	<b>(\$5,217)</b>	<b>\$0</b>	<b>\$1,000,000</b>	<b>\$994,783</b>
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

<sup>2</sup> Funding for Information Technology Department customer success management fees is removed.

<sup>3</sup> One-time funding from the general fund is added for a laboratory information management system. Legislative intent is added to provide the department also seek funding for the project from other special funds.

This amendment also:

- Amends Section 4 of the bill to adjust funding from the petroleum tank release compensation fund relating to salary and fringe benefit adjustments.
- Amends Section 6 of the bill to provide legislative intent that the department use federal coronavirus relief funds or any other funds available for the laboratory information management system before accessing funding from the general fund for the project.

**AMENDMENTS TO ENGROSSED SENATE BILL NO. 2025**

Page 1, replace lines 12 through 21 with:

"Veterans' affairs	\$1,200,129	\$301,821	\$1,501,950
State approving agency	285,658	6,366	292,024
Grants - transportation program	800,000	420,000	1,220,000
Transport vans	18,800	0	18,800
Service dogs	50,000	0	50,000
Veterans' home cemetery	0	291,500	291,500
<b>Total all funds</b>	<b>\$2,354,587</b>	<b>\$1,019,687</b>	<b>\$3,374,274</b>
Less estimated income	1,085,657	717,993	1,803,650
<b>Total general fund</b>	<b>\$1,268,930</b>	<b>\$301,694</b>	<b>\$1,570,624</b>
Full-time equivalent positions	7.00	1.00	8.00"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2025 - Department of Veterans' Affairs - House Action**

	Base Budget	Senate Version	House Changes	House Version
Veterans' affairs	\$1,200,129	\$1,577,244	(\$75,294)	\$1,501,950
State approving agency	285,658	291,971	53	292,024
Grants - Transportation program	800,000	1,220,000		1,220,000
Transport vans	18,800	37,600	(18,800)	18,800
Service dogs	50,000	50,000		50,000
Veterans' Home Cemetery		291,500		291,500

Total all funds	\$2,354,587	\$3,468,315	(\$94,041)	\$3,374,274
Less estimated income	1,085,657	1,803,597	53	1,803,650
General fund	\$1,268,930	\$1,664,718	(\$94,094)	\$1,570,624
FTE	7.00	8.00	0.00	8.00

### Department 321 - Department of Veterans' Affairs - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Reduces Funding for a Temporary Position <sup>2</sup>	Removes Funding for Stand Down Events <sup>3</sup>	Removes Funding for a Transport Van <sup>4</sup>	Total House Changes
Veterans' affairs	(\$294)	(\$70,000)	(\$5,000)		(\$75,294)
State approving agency	53				53
Grants - Transportation program					
Transport vans				(\$18,800)	(18,800)
Service dogs					
Veterans' Home Cemetery					
Total all funds	(\$241)	(\$70,000)	(\$5,000)	(\$18,800)	(\$94,041)
Less estimated income	53	0	0	0	53
General fund	(\$294)	(\$70,000)	(\$5,000)	(\$18,800)	(\$94,094)
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Salaries and wages funding is adjusted for 2021-23 biennium salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100 and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 on July 1, 2021, and 2 percent on July 1, 2022.

<sup>2</sup> Funding of \$70,000 from the general fund for a temporary training and information officer position is removed to provide a total of \$70,000 for a temporary half-time position. The Senate approved \$140,000 from the general fund for a full-time temporary training and information officer position.

<sup>3</sup> Funding of \$5,000 from the general fund for stand down events is removed to provide total funding of \$0 for stand downs.

<sup>4</sup> Funding of \$18,800 from the general fund for the purchase of a transport van is removed to provide a total of \$18,800 from the general fund for the purchase of one transport van. The Senate approved \$37,600 from the general fund for the purchase of two transport vans.

### AMENDMENTS TO SENATE BILL NO. 2289

Page 2, line 9, after "scale" insert ". or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1"

Page 2, line 29, after "course" insert ". or an equivalent course proficiency score"

Page 2, line 30, after "course" insert ". or an equivalent course proficiency score"

Page 2, line 31, after "II" insert ". or an equivalent course proficiency score"

Page 3, line 5, after "scale" insert ". or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1."

Page 3, line 20, after "course" insert ". or an equivalent course proficiency score"

Page 4, line 9, after "course" insert ". or an equivalent course proficiency score"

Re-number accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2089.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2089**

In lieu of the amendments adopted by the House as printed on page 1250 of the House Journal, Engrossed Senate Bill No. 2089 is amended as follows:

Page 1, line 22, after "appropriations" insert "for the program"

Page 2, remove lines 1 and 2

Page 2, line 9, after "needs" insert ", including contracting with a private, nonprofit entity that does not provide autism spectrum disorder services to facilitate and provide support services to the autism spectrum disorder task force"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2170.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2059, SB 2060, SB 2103, SB 2166, SB 2261, SB 2273, SB 2276, and SB 2340.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2144, SB 2304, and SB 2332, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2144:** Sens. Schaible; Patten; Erbele

**SB 2304:** Sens. Schaible; Lemm; Oban

**SB 2332:** Sens. Schaible; Elkin; Oban

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2048:** Reps. Klemin; Christensen; Hanson

**SB 2077:** Reps. Thomas; O'Brien; Adams

**SB 2208:** Reps. D. Johnson; Beltz; Headland

**SB 2244:** Reps. Longmuir; Ertelt; Fegley

**SB 2338:** Reps. Hagert; Schauer; Adams

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1232, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1232:** Reps. Heinert; Pyle; Guggisberg

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has appointed as a conference committee to act with a like committee from the House on:

**HB 1162:** Sens. J. Roers; Meyer; Kannianen

**HB 1199:** Sens. Weber; Patten; Piepkorn

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2001, SB 2068, SB 2099,

SB 2101, SB 2110, SB 2113, SB 2216, SB 2253, SB 2263, SB 2280, SB 2317, SB 2321, SB 2328, SB 2341.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1067, HB 1231, HB 1263, HB 1295, HB 1302, HB 1344, HB 1356, HB 1427, HB 1466, HCR 3015, HCR 3020, HCR 3023, HCR 3048.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: SB 2001, SB 2009, SB 2032, SB 2034, SB 2054, SB 2068, SB 2099, SB 2101, SB 2110, SB 2113, SB 2142, SB 2162, SB 2206, SB 2215, SB 2216, SB 2232, SB 2253, SB 2259, SB 2263, SB 2280, SB 2317, SB 2321, SB 2328, SB 2341, SB 2344.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: SCR 4011, SCR 4013.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The President has signed: HB 1067, HB 1231, HB 1263, HB 1295, HB 1302, HB 1344, HB 1356, HB 1427, HB 1466.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The President has signed: HCR 3015, HCR 3023, HCR 3048.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: HB 1093, HB 1107, HB 1112, HB 1130, HB 1137, HB 1168, HB 1185, HB 1187, HB 1393, HB 1436, HB 1459, HB 1480.

**MOTION**

**SEN. KLEIN MOVED** that the absent member be excused, which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, April 9, 2021, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1004, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1004 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "section" with "sections"

Page 1, line 2, after "54-10-10" insert ", 54-10-14, and 54-10-27"

Page 1, line 3, after "auditor" insert ", political subdivision audits, and occupational and professional board audits"

Page 1, replace lines 12 through 18 with:

"Salaries and wages	\$12,668,218	\$620,866	\$13,289,084
Operating expenses	1,161,820	219,883	1,381,703
Information technology consultants	<u>450,000</u>	<u>0</u>	<u>450,000</u>
Total all funds	\$14,280,038	\$840,749	\$15,120,787
Less estimated income	<u>4,173,178</u>	<u>1,652,974</u>	<u>5,826,152</u>
Total general fund	\$10,106,860	(\$812,225)	\$9,294,635
Full-time equivalent positions	58.00	4.00	62.00"

Page 2, line 5, replace "thirteen" with "fourteen"

Page 2, line 6, replace "nine" with "four"

Page 2, line 6, replace "twenty-five" with "eighty-six"

Page 2, after line 6, insert:

**"SECTION 4. AMENDMENT.** Section 54-10-14 of the North Dakota Century Code is amended and reenacted as follows:

**54-10-14. Political subdivisions - Audits - Fees - Alternative audits and reports.**

1. The state auditor shall audit the following political subdivisions once every two years, except as provided in this section or otherwise by law:
  - a. Counties.
  - b. Cities, and when a city is audited, to include any political subdivision that was created by the city and has bonding authority.
  - c. Park districts.
  - d. School districts.
  - e. Firefighters relief associations.
  - f. Airport authorities.
  - g. Public libraries.
  - h. Water resource districts.
  - i. Garrison Diversion Conservancy District.
  - j. Rural fire protection districts.
  - k. Special education districts.
  - l. Area career and technology centers.
  - m. Correction centers.
  - n. Recreation service districts.
  - o. Weed boards.
  - p. Irrigation districts.
  - q. Rural ambulance service districts.
  - r. Southwest water authority.
  - s. Regional planning councils.
  - t. Soil conservation districts.
  - u. Western area water supply authority industrial water sales on an annual basis.
2. The state auditor shall charge the political subdivision an amount equal to the fair value of the audit and any other services rendered. The fees must be deposited in the state auditor operating account. The state treasurer shall credit the state auditor operating account with the amount of interest earnings attributable to the deposits in that account. Expenses relating to political subdivision audits must be paid from the state auditor operating account, within the limits of legislative appropriation.
3. In lieu of conducting an audit every two years, the state auditor may require annual reports from school districts with less than one hundred

- enrolled students; cities with less than five hundred population; and other political subdivisions subject to this section, or otherwise provided by law, with less than ~~three hundred~~seven hundred fifty thousand dollars of annual receipts, excluding any federal funds passed through the political subdivision to another entity. If any federal agency performs or requires an audit of a political subdivision that receives federal funds to pass through to another entity, the political subdivision shall provide a copy to the state auditor upon request by the state auditor. The reports must contain the financial information required by the state auditor. The state auditor also may make any additional examination or audit determined necessary in addition to the annual report. When a report is not filed, the state auditor may charge the political subdivision an amount equal to the fair value of the additional examination or audit and any other services rendered. The state auditor may charge a political subdivision a fee not to exceed ~~eighty~~eighty-six dollars an hour for the costs of reviewing the annual report.
4. A political subdivision, at the option of its governing body, may be audited by a certified public accountant or licensed public accountant rather than by the state auditor. The public accountant shall comply with generally accepted government auditing standards for audits of political subdivisions. The report must be in the form and content required by the state auditor. The number of copies of the audit report requested by the state auditor must be filed with the state auditor when the public accountant delivers the audit report to the political subdivision. The state auditor shall review the audit report to determine if the report is in the required form and has the required content, and if the audit meets generally accepted government auditing standards. The state auditor also may periodically review the public accountant's workpapers to determine if the audit meets generally accepted government auditing standards. If the report is in the required form and has the required content, and the report and workpapers comply with generally accepted government auditing standards, the state auditor shall accept the audit report. The state auditor may charge the political subdivision a fee of up to ~~eighty~~eighty-six dollars an hour, but not to exceed ~~five~~six hundred dollars per review, for the related costs of reviewing the audit report and workpapers.
  5. A political subdivision may not pay a public accountant for an audit until the state auditor has accepted the audit. However, a political subdivision may make progress payments to the public accountant. A political subdivision shall retain twenty percent of any progress payment until the audit report is accepted by the state auditor.
  6. The state auditor may require the correction of any irregularities, objectionable accounting procedures, or illegal actions on the part of the governing board, officers, or employees of the political subdivision disclosed by the audit report or workpapers, and failure to make the corrections must result in audits being resumed by the state auditor until the irregularities, objectionable accounting procedures, or illegal actions are corrected.

**SECTION 5. AMENDMENT.** Section 54-10-27 of the North Dakota Century Code is amended and reenacted as follows:

**54-10-27. Occupational and professional boards - Audits and reports.**

The governing board of any occupational or professional board shall provide for an audit once every two years by a certified public accountant or licensed public accountant. The accountant conducting the audit shall submit the audit report to the state auditor's office. If the report is in the form and style prescribed by the state auditor, the state auditor may not audit that board. An occupational or professional board may request the state auditor to conduct its audit, and if the state auditor agrees to conduct the audit, the state auditor shall deposit the fees charged to the occupational or professional board into the state auditor operating account. Instead

of providing for an audit every two years, an occupational or professional board that has less than two hundred thousand dollars of annual receipts may submit an annual report to the state auditor. The report must contain the information required by the state auditor. The state auditor also may make any additional examination or audit determined necessary in addition to the annual report. When a report is not filed, the state auditor may charge the occupational or professional board an amount equal to the fair value of the additional examination or audit and any other services rendered. The state auditor may charge an occupational or professional board a fee not to exceed ~~fifty-eighty-six~~ dollars an hour for the costs of reviewing the annual report."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1004 - State Auditor - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$12,668,218	\$11,880,488	\$1,408,596	\$13,289,084
Operating expenses	1,161,820	1,262,547	119,156	1,381,703
Information technology consultants	450,000	450,000		450,000
Total all funds	\$14,280,038	\$13,593,035	\$1,527,752	\$15,120,787
Less estimated income	4,173,178	4,667,785	1,158,367	5,826,152
General fund	\$10,106,860	\$8,925,250	\$369,385	\$9,294,635
FTE	58.00	54.00	8.00	62.00

#### Department 117 - State Auditor - Detail of Senate Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds Local Government Division Audit Positions <sup>2</sup>	Restores Auditor IV Positions <sup>3</sup>	Total Senate Changes
Salaries and wages	\$14,469	\$1,054,155	\$339,972	\$1,408,596
Operating expenses		99,156	20,000	119,156
Information technology consultants				
Total all funds	\$14,469	\$1,153,311	\$359,972	\$1,527,752
Less estimated income	5,056	1,153,311	0	1,158,367
General fund	\$9,413	\$0	\$359,972	\$369,385
FTE	0.00	6.00	2.00	8.00

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> Six FTE Local Government Division audit positions, including salaries and wages and operating expenses, are added to provide a total of 8 new Local Government Division audit positions. Funding for operating expenses for each new audit position is increased from \$10,422 as provided by the House to \$15,000.

<sup>3</sup> Two vacant FTE auditor IV positions and related salaries and wages and operating expenses removed by the House are restored.

This amendment also:

- Amends Section 3 to provide the statutory changes necessary to increase the State Auditor's salary from the current salary of \$110,582 to \$112,241 (1.5 percent) in fiscal year 2022, and to \$114,486 (2 percent) in fiscal year 2023.
- Adds Section 4 to increase the:

Threshold for political subdivisions to provide an annual report in lieu of an audit from \$300,000 of annual receipts to \$750,000 of annual receipts;

Hourly fee for the review of political subdivision annual reports from \$80 per hour to \$86 per hour;

Hourly fee for the review of political subdivision audit reports and workpapers from \$80 per hour to \$86 per hour;

Maximum fee for review of political subdivision audit reports and workpapers from \$500 per review to \$600 per review.

- Adds Section 5 to increase the hourly fee for the review of occupational and professional board annual reports from \$50 per hour to \$86 per hour.

#### REPORT OF STANDING COMMITTEE

**HB 1018, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1018 was placed on the Sixth order on the calendar.**

Page 1, replace lines 12 through 14 with:

"Salaries and wages	\$14,295,816	\$1,687,233	\$15,983,049
Operating expenses	3,941,585	557,078	4,498,663
Capital assets	1,225,542	4,375,473	5,601,015"

Page 1, replace lines 17 through 20 with:

"Total all funds	\$20,562,943	\$6,619,784	\$27,182,727
Less estimated income	<u>3,194,252</u>	<u>4,235,700</u>	<u>7,429,952</u>
Total general fund	\$17,368,691	\$2,384,084	\$19,752,775
Full-time equivalent positions	75.00	3.75	78.75"

Page 2, replace line 2 with:

"Historical site and extraordinary repairs	\$1,000,000	\$4,200,000
Artifact storage and collections center planning	0	150,000"

Page 2, replace lines 7 through 9 with:

"Total all funds	\$1,682,000	\$4,375,000
Total special funds	<u>85,000</u>	<u>4,200,000</u>
Total general fund	\$1,597,000	\$175,000"

Page 2, line 24, replace "\$1,400,000" with "\$4,200,000"

Page 2, after line 26, insert:

**"SECTION 6. ESTIMATED INCOME - DEPARTMENT OF TRANSPORTATION GRANT.** The estimated income line item in section 1 of this Act, includes \$100,000 of grant funding from the department of transportation for the purpose of defraying expenses for the Lewis and Clark interpretive center."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1018 - State Historical Society - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$14,295,816	\$14,548,481	\$1,434,568	\$15,983,049
Operating expenses	3,941,585	3,899,163	599,500	4,498,663
Capital assets	1,225,542	2,651,015	2,950,000	5,601,015
Grants	600,000	600,000		600,000
Cultural heritage grants	500,000	500,000		500,000
Total all funds	\$20,562,943	\$22,198,659	\$4,984,068	\$27,182,727
Less estimated income	<u>3,194,252</u>	<u>4,533,036</u>	<u>2,896,916</u>	<u>7,429,952</u>
General fund	\$17,368,691	\$17,665,623	\$2,087,152	\$19,752,775
FTE	75.00	75.00	3.75	78.75

Department 701 - State Historical Society - Detail of Senate Changes

	Adds Funding for Salary Increases <sup>1</sup>	Transfers the Lewis and Clark Interpretive Center Operations <sup>2</sup>	Increases Funding for Temporary Salaries <sup>3</sup>	Restores Funding for Operating Expenses <sup>4</sup>	Increases One-Time Funding for Historic Site and Repairs <sup>5</sup>	Adds One-Time Funding for Artifact Storage and Collections Center Planning <sup>6</sup>
Salaries and wages	\$5,474	\$1,029,094	\$400,000			
Operating expenses		399,500		\$200,000		
Capital assets					\$2,800,000	\$150,000
Grants						
Cultural heritage grants						
<b>Total all funds</b>	<b>\$5,474</b>	<b>\$1,428,594</b>	<b>\$400,000</b>	<b>\$200,000</b>	<b>\$2,800,000</b>	<b>\$150,000</b>
Less estimated income	342	287,999	(191,425)	0	2,800,000	0
General fund	\$5,132	\$1,140,595	\$591,425	\$200,000	\$0	\$150,000
FTE	0.00	3.75	0.00	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	\$1,434,568
Operating expenses	599,500
Capital assets	2,950,000
Grants	
Cultural heritage grants	
<b>Total all funds</b>	<b>\$4,984,068</b>
Less estimated income	2,896,916
General fund	\$2,087,152
FTE	3.75

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> Funding and 3.75 FTE positions are added to transfer the Lewis and Clark Interpretive Center from the Parks and Recreation Department to the State Historical Society. The House did not provide for this transfer.

<sup>3</sup> Increases funding for temporary employees by \$591,425 from the general fund and removes \$191,425 of funding from other funds for temporary employees provided by the House.

<sup>4</sup> Restores \$200,000 from the general fund removed by the House for operating expenses.

<sup>5</sup> One-time funding is increased by \$2.8 million from the strategic investment and improvements fund from \$1.4 million provided by the House to \$4.2 million for historic site and extraordinary repairs.

<sup>6</sup> One-time funding of \$150,000 is provided from the general fund for the planning of a new artifact storage and collections center. The House did not include this funding.

This amendment also adds a section to identify that \$100,000 of funding in the estimated income line item is from the Department of Transportation for defraying the expenses of the Lewis and Clark Interpretive Center for the 2021-23 biennium.

**REPORT OF STANDING COMMITTEE**

**HB 1023, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1023 was placed on the Sixth order on the calendar.**

Page 1, replace lines 11 through 15 with:

"Salaries and wages	\$6,652,604	\$635,260	\$7,287,864
Operating expenses	2,443,592	172,354	2,615,946
Capital assets	0	257,600	257,600
Contingencies	<u>250,000</u>	<u>0</u>	<u>250,000</u>
Total special funds	\$9,346,196	\$1,065,214	\$10,411,410
Full-time equivalent positions	34.50	2.00	36.50"

Page 1, line 16, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY"

Page 1, line 17, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 1, replace lines 19 through 21 with:

"Information technology risk assessment	\$40,000	\$0
Upgrade business system software	190,000	0
Upgrade benefit enrollment system	0	209,000
Upgrade PERSLink business system	<u>0</u>	<u>257,600</u>
Total special funds	\$230,000	\$466,600

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The public employees retirement system shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 3. LEGISLATIVE MANAGEMENT STUDY - HEALTH INSURANCE FERTILITY BENEFITS.** During the 2021-22 interim, the legislative management shall consider studying the feasibility and desirability of expanding fertility benefits under the public employees retirement system uniform group insurance health benefits as a precursor under section 54-03-28 to mandating the fertility benefits for health insurance in the private market. The study must include a public employees retirement system actuarial study of the cost of expanding the fertility benefits of the state health plan and must include consideration of the positive and negative aspects of mandating fertility benefits for health insurance in the private market. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1023 - Public Employees Retirement System - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$6,652,604	\$6,927,497	\$360,367	\$7,287,864
Operating expenses	2,443,592	2,378,216	237,730	2,615,946
Capital assets			257,600	257,600
Contingencies	<u>250,000</u>	<u>250,000</u>		<u>250,000</u>
Total all funds	\$9,346,196	\$9,555,713	\$855,697	\$10,411,410
Less estimated income	<u>9,346,196</u>	<u>9,555,713</u>	<u>855,697</u>	<u>10,411,410</u>
General fund	\$0	\$0	\$0	\$0
FTE	34.50	34.50	2.00	36.50

**Department 192 - Public Employees Retirement System - Detail of Senate Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds Funding for a Receptionist Position <sup>2</sup>	Adds Funding for an Internal Auditor Position <sup>3</sup>	Adds Funding for a Public Information Specialist Position <sup>4</sup>	Adds One-Time Funding to Upgrade Benefit Enrollment Software <sup>5</sup>	Adds One-Time Funding to Upgrade the PERSLink Business System <sup>6</sup>
Salaries and wages	\$2,677	\$21,216	\$180,926	\$155,548		
Operating expenses			14,365	14,365	\$209,000	
Capital assets						\$257,600
Contingencies						
<b>Total all funds</b>	<b>\$2,677</b>	<b>\$21,216</b>	<b>\$195,291</b>	<b>\$169,913</b>	<b>\$209,000</b>	<b>\$257,600</b>
Less estimated income	2,677	21,216	195,291	169,913	209,000	257,600
General fund	\$0	\$0	\$0	\$0	\$0	\$0
<b>FTE</b>	<b>0.00</b>	<b>0.20</b>	<b>1.00</b>	<b>0.80</b>	<b>0.00</b>	<b>0.00</b>

	<b>Total Senate Changes</b>
Salaries and wages	\$360,367
Operating expenses	237,730
Capital assets	257,600
Contingencies	
<b>Total all funds</b>	<b>\$855,697</b>
Less estimated income	855,697
General fund	\$0
<b>FTE</b>	<b>2.00</b>

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> Funding of \$21,216 is added for a .20 FTE receptionist position. The House did not provide funding for this position.

<sup>3</sup> Funding of \$195,291, including \$180,926 for salaries and wages and \$14,365 for related operating costs, is added for 1 FTE internal auditor position. The House removed 1 FTE internal auditor position and added 1 FTE accountant position. The Senate amendments do not adjust funding for the accountant position.

<sup>4</sup> Funding of \$169,913, including \$155,548 for salaries and wages and \$14,365 for related operating costs, is added for a .80 FTE public information specialist position. The House did not provide funding for this position.

<sup>5</sup> One-time funding of \$209,000 is added to operating expenses to upgrade the benefit enrollment software. The House did not provide funding for this item.

<sup>6</sup> One-time funding of \$257,600 is added to capital assets to upgrade the PERSLink business system. The House did not provide funding for this item.

This amendment also:

- Provides for a Legislative Management study of the feasibility and desirability of expanding fertility benefits under the Public Employees Retirement System uniform group insurance health benefit plan.

**REPORT OF STANDING COMMITTEE**

**HB 1215, as engrossed: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1215 was placed on the Sixth order on the calendar.**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-17.8-03 of the North Dakota Century Code, relating to allowable uses of the outdoor heritage fund.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 54-17.8-03 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.8-03. North Dakota outdoor heritage fund purposes.**

1. The commission shall use the fund to provide grants to state agencies, tribal governments, political subdivisions, and nonprofit organizations, with higher priority given to enhance conservation practices in this state by:
  - a. Providing access to private and public lands for ~~sportsmen~~the public, including projects that create fish and wildlife habitat and provide access for ~~sportsmen~~recreation and enhance the recreational experiences and opportunities on public lands;
  - b. Improving, maintaining, and restoring water quality, soil conditions, plant diversity, animal systems, and by supporting other practices of stewardship to enhance farming and ranching;
  - c. Developing, enhancing, conserving, and restoring wildlife and fish habitat on private and public lands; and
  - d. Conserving natural areas and creating other areas for recreation through the establishment and development of parks and other recreation areas.
2. The commission or grantee may not use the fund, in any manner, to finance:
  - a. Litigation;
  - b. Lobbying activities;
  - c. Any activity that would interfere, disrupt, or prevent activities associated with surface coal mining operations; sand, gravel, or scoria extraction activities; oil and gas operations; or other energy facility or infrastructure development;
  - d. The acquisition of land or to encumber any land for a term longer than twenty years; or
  - e. Projects outside this state or projects that are beyond the scope of defined activities that fulfill the purposes of this chapter.
3. The commission or a grantee may not use grant funds, except after a finding of exceptional circumstances by the commission, to finance:
  - a. A completed project or project commenced before the grant application;
  - b. A feasibility or research study;
  - c. Maintenance costs;
  - d. A paving project for a road or parking lot;
  - e. A swimming pool or aquatic park;
  - f. Personal property that is not affixed to the land;

- g. Playground equipment, except that grant funds may be provided for up to twenty-five percent of the cost of the equipment not exceeding ten thousand dollars per project and all playground equipment grants may not exceed five percent of the total grants per year;
- h. A building, except for a building that is included as part of a comprehensive conservation plan for a new or expanded recreational project or a building that needs repairs or replacement due to damage caused by an act of God; or
- i. A project in which the applicant is not directly involved in execution and completion of the project."

Renumber accordingly

The Senate stood adjourned pursuant to Senator Klein's motion.

**Shanda Morgan, Secretary**